
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

AMANDA FLEMETT,

Plaintiff,

*versus*COMMISSIONER OF SOCIAL
SECURITY ADMINISTRATION,

Defendant.

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CIVIL ACTION NO. 9:23-CV-109

**ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND ADOPTING
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

This matter was referred to the Honorable Zack Hawthorn, United States Magistrate Judge, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommended affirming the Commissioner's decision because it lacks reversible error and is supported by substantial evidence. (Dkt. #20.)

Flemett filed timely objections to the magistrate judge's Report and Recommendation. (Dkt. #21.) The court, therefore, must conduct a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b).

Flemett objects to the magistrate judge's conclusion that the ALJ properly considered her subjective complaints and that his decision is supported by substantial evidence. The court considered Flemett's objections, conducted a *de novo* review of the briefing and medical evidence, and finds no reason to depart from the magistrate judge's recommended disposition. The magistrate judge properly considered the subjective evidence and correctly determined that her alleged symptoms were not consistent with the objective medical evidence. His report carefully refers to the medical evidence, the ALJ's description of Flemett's daily activities, and recent medical

evidence that shows improvement in her alleged symptoms. While Flemett may disagree with the result of the magistrate judge's determination, her objection amounts to a request that the court reweigh the evidence and reach a different conclusion, which is not a proper basis for reversal. *Harrell v. Bowen*, 862 F.2d 471, 475 (5th Cir. 1988).

Accordingly, the court **ADOPTS** the magistrate judge's recommendation (Dkt. #20), **OVERRULES** Flemett's objections (Dkt. #21), and **AFFIRMS** the Commissioner's denial of benefits. A final judgment will be entered in this case, in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 9th day of October, 2024.

A handwritten signature in black ink, reading "Marcia A. Crone". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE